

December 1, 2008

**MEMORANDUM**

TO: Tier II Reporting Facilities (Non-Oil and Gas Producers)

FROM: James J. Gianato, Chairman WV SERC

SUBJECT: SARA Title III Tier II Reporting

**THIS IS A REMINDER - YOUR ANNUAL TIER II REPORT AND FILING FEE ARE DUE BETWEEN JANUARY 1 AND MARCH 1, 2009)**

Public Law 990499 (SARA Title III) requires facilities with certain hazardous or extremely hazardous substances at or above US EPA's reporting threshold at any time during the year to **REPORT ANNUALLY** to the WVSERC, LEPC and Local Fire Department with jurisdiction.

"A facility means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by an person which controls, is controlled by, or under common control with, such person) and subject to the provisions of Section 302 of title III, 42 U.S.C. §11002".

This definition is taken from Title 55 of the West Virginia Emergency Response Commission (SERC) legislative rules which became effective June 14, 1993.

Please make sure facilities in West Virginia receive information on this requirement. The Filing Fee Worksheet is to be used to compute the facility's filing fee. More specific information concerning the state's fee system can be found on our website at [www.wvdhsem.gov/tier2\\_1.htm](http://www.wvdhsem.gov/tier2_1.htm). The WV SERC is also recommending that reporters use the Tier2 Submit program located on the EPA's website at [www.epa.gov](http://www.epa.gov).

Tier Two reports are submitted to the WVSERC, Local Emergency Planning Committee (LEPC) and the local fire department with jurisdiction. In addition to submitting the annual Tier Two information, you must also pay an annual Tier Two filing fee use the "Annual Tier Two Filing Fee Worksheet" to calculate your fee. The filing fee is payable to the WVSERC only. **The Tier Two Form, Filing Fee Worksheet and fee check must be submitted to the SERC at the same time.**

Reports and fees submitted separately will be returned for correction. If you have questions or need assistance filling out the report or using Tier2 Submit, please contact Misi Savage at (304) 558-5380.